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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,353	03/19/2004	Allen Young	3392P2773	5823
23504	7590	04/09/2008		
WEISS & MOY PC 4204 NORTH BROWN AVENUE SCOTTSDALE, AZ 85251				
EXAMINER				
BUTLER, MICHAEL E				
ART UNIT		PAPER NUMBER		
3653				
MAIL DATE		DELIVERY MODE		
04/09/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/803,353	Applicant(s) YOUNG ET AL.
Examiner MICHAEL E. BUTLER	Art Unit 3653

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): Claims 1-2 and 4-5 evidenced by Haines et al.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: 1 and 3-15.
Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: See Continuation Sheet

/Patrick H. Mackey/
Supervisory Patent Examiner, Art Unit 3653

Continuation of 3. NOTE: The new limitations present new issues requiring further search or consideration..

Continuation of 13. Other: Balish : The container in fig 1 has a first width left to right on its major axis as viewed from the top. The bridge in turn has a long first width on its major axis and a lesser width on its minor axis. The bridge has a second width, shown up and down in fig 1, which is much smaller than the container wide width.

Gerstein likewise shows containers with a long width and a short width on its perpendicular axis

Marguiles likewise shows containers with a long width and a short width on its perpendicular axis

Haines et al. features a first width at the base of the bridge, and a second width at the hood rising from the base. As such it has a second width which is narrower than a first width of the container.

Faluku et al. likewise shows containers with a long width and a short width on its perpendicular axis

Yates - fig 5 shows removable bridge

Wright et al. -removable bridge, once removed Wright is capable of having wipes loaded in.

Jackson - upright container body fig 2 shows a container capable of sitting upright.as in that figure

Taormina -upright container body see fig 1

Kenmosu upright container body-Fig 1-3 show the container in upright positions

Width- claim is not directed to less than THE full width of container, it is directed to less than a first width
Fig 4 shows bridge being removed from container

Bitwolf upright - Fig 2 show the container in upright positions

Stephens upright - Fig 6,7,9,10 show the container in upright positions

Lewis et al. bridge 22/96 is sealed by its brim to container base seals to the container 12 with 26 sealing about 96. even still, dry wipes are still wipes.

Marguiles /Record - The slit 22 of Marguiles is for singulating. The spring of Record is for pressing the stack flush against the container wall.

Persson /Taormina - the dispenser of Persson is well suited for wipes. There is no problem with the orifice of Taormina dispensing wipes through its aperture as in the intended use.

Taormina dispensing orifice

Damage to

Bitwolf /Tamesvary One width of the Bitwolf bridge is less than one width of the Container.

No terminal disclaimer approval was received from the portion of the Office having jurisdiction on terminal disclaimers - apparently lacking a signature of the owner nor attorney of record. .